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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,833	01/11/2005	Takashi Kawakami	261638US6PCT	7215
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER SCHWARTZ, DARREN B				
ART UNIT		PAPER NUMBER		
2435				
NOTIFICATION DATE		DELIVERY MODE		
02/19/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/519,833

Applicant(s)

KAWAKAMI, TAKASHI

Examiner

DARREN SCHWARTZ

Art Unit

2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicant amends claims 1, 2, 10-12 and 20.

Claims 1, 2, 4-12 and 14-20 are presented for examination.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 January 2010 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 4-12 and 14-20 have been considered but are moot in view of the new grounds of rejection.

Applicant argues on page 11 of Remarks, "The Office Action indicates that the 'category' would be interpreted as a block or segment including data. It is unclear as to how this interpretation is suggested by the claims."

The thorough review of the disclosure of the invention does not appear to define explicitly nor implicitly what applicant regards as "categorization" or a "category." The Examiner relies upon the ordinary meaning of categorization: "to put into a category" wherein category is defined as: "a division within a system of classification" (Merriam-Webster Online).

The Examiner maintains the earlier interpretation of "categorization" & "category" and the application of the art in accordance with the interpretation.

The fact that the Examiner may not have specifically responded to any particular arguments made by Applicant and Applicant's Representative, should not be construed as indicating Examiner's agreement therewith.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 4-6, 8-12, 14-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi et al (U.S. Pat App Pub 2001/0032088 A1), hereinafter referred to as Utsumi, Kumagai (U.S. Pat 6512722 B2), hereinafter referred to as Kumagai and Rodriguez et al (U.S. Pat App Pub 2003/0005454 A1), hereinafter referred to as Rodriguez, in further view of Baron et al (U.S. Pat 6288862 B1), hereinafter referred to as Baron.

Re claims 1 and 11: Utsumi teaches a content data transferring system and method for transferring content data comprising:

a first recording medium [Fig 1, elt 10: "1st STORAGE MEDIUM"] on which a plurality of content data are recorded (Fig 1, elt 13 & Fig 2, elt 13: ¶42);

a recording and reproducing apparatus (¶16; ¶103; ¶143) configured to reproduce a recording medium identification information unique to a second recording

medium (Fig 1, elt 22; ¶44) and recorded on the second recording medium [Fig 1, elt 30; ¶36, lines 1-3] to reproduce an existing reproduction control information recorded on the second recording medium, and to record content data transferred from the first recording medium [Fig 1, elt 11: ¶36, lines 1-3] onto the second recording medium (Fig 1, elts 20 & 23; ¶15, ¶16 and ¶47).

However, Kumagai teaches:

a first set creating device configured to create a first set [Table Of Contents information/file management table] (Figs 13 & 15), the first set correlating the recording medium identification information with a second set [Table Of Contents information out of the CD 55], the second set [Table Of Contents information out of the CD 55] categorizing the plurality of content data recorded on the first recording medium in accordance with a predetermined rule (col 23, lines 45-63; col 24, lines 16-23; col 25, lines 20-24); a second set creating device configured to create the second set correlated with the first set (Fig 16; col 25, lines 20-32 and col 26, lines 7-10);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Utsumi with the teachings of Kumagai for the purpose of providing maintaining content structure when the content is duplicated to preserve the accessibility to said content. One of ordinary skill would conquer when copying information, maintaining the structure upon which the information is organized is necessary to preserve the information copied and the accessibility of the information copied.

Yet Rodriguez teaches:

identifying content data recorded on the second recording medium (Fig 4, elt 414: "secondary storage;" ¶61; ¶73; ¶75; ¶79); categorizing the plurality of content data recorded on the first recording medium [Fig 4, elt 451: "flash memory:" ¶63; ¶64; ¶67] in accordance with a predetermined rule into a group of content data (¶68), so that the recording medium identification information correlates to the group (¶68).

a reproduction control information creating device configured to create a new reproduction control information for the group based on the second set and the recording medium identification information, the new reproduction control information identifying content data categorized into the group by the predetermined rule (¶79).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Utsumi and Kumangai with the teachings of Rodriguez, for the purpose of providing users the freedom of downloading, copying & caching content that has been properly repudiation.

Baron teaches a content transfer controlling device [Fig 2; col 1, lines 18-20; col 3, lines 60-63] configured to transfer content data, in response to a comparison of the existing reproduction control information with the new reproduction control information to the second recording medium which is categorized by the predetermined rule into the group and not recorded on the second recording medium. (Fig 5, elts 502 & 504; col 5, lines 34-37; col 5, lines 49-57; Fig 5, elts 508 → 500; col 5, lines 58-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Utsumi, Kumangai and

Rodriguez with the teachings of Baron, for the purpose of providing an organized method of copying data.

Re claims 2 and 12: The combination of Utsumi, Kumagai, Rodriguez and Baron teaches the content transfer controlling device is configured to transfer the newly created reproduction control information to the recording and reproducing apparatus so as to record the newly created reproduction control information onto the second recording medium and replace the existing reproduction control information (Utsumi: ¶42 and ¶44).

Re claims 4 and 14: The combination of Utsumi, Kumagai, Rodriguez and Baron teaches wherein the content data recorded on the first recording medium are managed in accordance with the number of permissible record times [devolution value] for each of content data transferred from the first recording medium to other recording mediums, and wherein when each of content data which have not recorded on the second recording medium is transferred thereto, the number of permissible record times for each of the content data is decremented (Utsumi: ¶42 and ¶51).

Re claims 5 and 15: The combination of Utsumi, Kumagai, Rodriguez and Baron teaches when content data that have not been recorded on the second recording medium are transferred thereto, the newly created reproduction control information is transmitted to the recording and reproducing apparatus so as to record the newly created reproduction control information onto the second recording medium (¶42, ¶44 and ¶51).

Re claims 6 and 16: The combination of Utsumi, Kumagai, Rodriguez and Baron teaches content data that are not managed in accordance with the newly created reproduction control information are deleted from the second recording medium in accordance with the newly created reproduction control information (Utsumi: ¶46). Utsumi teaches the destruction of the key for decrypting said content and thus renders the content inaccessible.

Re claims 8 and 18: The combination of Utsumi, Kumagai, Rodriguez and Baron teaches the reproduction control information is information with which the reproduction order of content data is controlled (Kumagai: Figs 12 & 13; col 23, lines 32-54).

Re claims 9 and 19: The combination of Utsumi, Kumagai, Rodriguez and Baron teaches the second recording medium can be loaded into and unloaded from the recording and reproducing apparatus (Kumagai: Fig 1 elts 50, 80 and 82; col 7, lines 39-65).

Re claims 10 and 20: The combination of Utsumi, Kumagai, Rodriguez and Baron teaches the reproduction control information is created whenever the second recording medium is loaded into the recording and reproducing apparatus (Utsumi: ¶34). Utsumi teaches a hard disc drive which is always present for use for copying media.

2. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi et al (U.S. Pat Pub 2001/0032088 A1), hereinafter referred to as Utsumi, Kumagai (U.S. Pat 6512722 B2), hereinafter referred to as Kumagai, Baron et al (U.S.

Pat 6288862 B1), hereinafter referred to as Baron and Rodriguez et al (U.S. Pat App Pub 2003/0005454 A1), hereinafter referred to as Rodriguez, in further view of Matsushima et al (U.S. Pat Pub 2002/0161571 A1), hereinafter referred to as Matsushima.

Re claims 7 and 17: The combination of Utsumi, Kumagai, Rodriguez and Baron teaches all the limitations of claims 6 and 16 as previously discussed. The combination of Utsumi, Kumagai, Rodriguez and Baron further teaches each of content data recorded on the first recording medium is managed in accordance with the number of permissible record times for each of the contents that are recorded from the first recording medium onto other recording mediums (Utsumi: ¶42, ¶44 and ¶51),

However, Matsushima teaches the number of permissible record times [permitted number] for each of content data is incremented when each of the content data is deleted from the second recording medium (¶3 and ¶10). Matsushima teaches that checked-out content that is checked-in is rendered unusable and the checked-out count is incremented.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Utsumi, Kumagai, Rodriguez and Baron with the teachings Matsushima, for the purpose of allowing flexibility in the content management scheme while simultaneously maintaining protection on restricted content.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the text of the passage taught by the prior art or disclosed by the examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARREN SCHWARTZ whose telephone number is (571)270-3850. The examiner can normally be reached on 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571)272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. S./
Examiner, Art Unit 2435
/Kimyen Vu/
Supervisory Patent Examiner, Art Unit 2435